

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business and Industry

ANDREW J. MACKAY
Chairman

MONICA B METZ
Commissioner

GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE February 14, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:30 a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement, Michael Bradford, and Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Senior Deputy Attorney General Newton led a recital of the pledge.

4. Public Comment:

None.

5. Approval of Agenda

Administrative Attorney James Day requested Item 13 be pulled as the findings had been set side and the matter reset for hearing and requested that the Minutes of the January 10, 2013 Agenda Meeting (Item 6) be tabled due to an error on the agenda regarding the date of the meeting. Applications Manager Liz Babcock stated the Applicant in Item 59, 24/7 Entertainment, requested that Item 65 and Item 59 be heard together. Approved 3-0 with the noted changes.

6. Approval of the Minutes of the January 10, 2013 Agenda Meeting

Tabled until next subsequent general session.

7. Briefings from the Commissioners

Commissioner Metz thanked Staff and the regulated community for working so well together. Commissioner Assad reminded everyone it was Valentine's Day. Chairman MacKay echoed Commissioner Metz in thanking Staff.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Marilyn Skibinski reminded all carriers that annual reports for calendar year 2012 are due May 15, 2013. Forms and instructions are available on the Authority's website, can be picked up in either of the NTA offices, or can be mailed directly to the carrier at their request.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton reported that the final briefing for Fairman/No Stress Express Petition for Judicial Review had been filed. He also introduced Tiffany Kaylor, a third year law student from UNLV Boyd School of Law who is doing an externship in the Attorney General's office.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10-44, with the exception of items 13 and 42, were considered collectively and approved 3-0.

10. Citation 16140 issued to Luxe Limo Services, LLC for violations of NAC 706.149 and NRS 706.398. (AJM)

11. Citations 15526 through 15538 issued to Rush In Towing for violations of NRS 706.4477, NAC 706.412, NAC 706.432 (7 counts), NAC 706.418 (7 counts), NAC 706.420(1)(d) (22 counts), . NAC 706.420(1)(e) (12 counts), NAC 706.420(1)(f) (12 counts), NAC 706.420(1)(i) (3 counts), NAC 706.420(1)(j) (11 counts), NAC 706.420(1)(k) (3 counts), NAC 706.420(1)(l) (3 counts), NAC 706.420(1)(m) (11 counts), NAC 706.422 (5 counts), NAC 706.430(2) (12 counts), NAC 706.430(3) (52 counts), NAC 706.430(6)(a) (14 counts), NAC 706.430(6)(b) (13 counts), NAC 706.430(6)(c) (14 counts), NAC 706.430(9) (13 counts), NRS 706.4477 as amended by LCB File R075-08(1)(b) (3 counts), NRS 706.4477 as amended by LCB File R075-08(1)(c)(1) (6 counts), NRS 706.4477 as amended by LCB File R075-08(1)(c)(2) (5 counts), NRS 706.4477 as amended by LCB File R075-08(1)(c)(3), NRS 706.4477 as amended by LCB File R075-08(1)(c)(4) (2 counts), and NRS 706.4477 as amended by LCB File R075-08(1)(c)(5) (11 counts). (MBM)

12. Citations 15668 and 15669 issued to National Towing for violations of NAC 706.247/49 CFR 391.51(7)(i), NAC 706.247/49 CFR 301, and NAC 706.247/49 CFR 391.51. (MBM)

13. Citation 15756 issued to Tri State Towing for violations of NAC 706.418 (2 counts) and NAC 706.311. (MBM)

This Item was pulled from the Agenda prior to consideration.

14. Citation 16144 issued to Paul Neppa d/b/a Champion Movers, LLC for violations of NAC 706.149 and NRS 706.398. (MBM)

15. Citation 16145 issued to BLS Limousine Service of Las Vegas for violations of NAC 706.149 and NRS 706.398. (MBM)

16. Citation 16170 issued to Michael Singleton for violations of NAC 706.228 as amended by LCB File No. R127-07 and NAC 706.3612. (MBM)

17. Impound 1699 The impoundment pursuant to NRS 706.476 of a vehicle registered to Rufus Daniels. (MBM)

- 18. Impound 1679 and Citation 16165** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16165 issued to Craig Cornett for violations of NRS 706.386 and NRS 706.758. (MBM)
- 19. Impound 1683 and Citation 16169** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16169 issued to Cleveland Jackson for violations of NRS 706.386 and NRS 706.758. (MBM)
- 20. Impound 1684 and Citation 16171** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16171 issued to Armin Mann for violations of NRS 706.386 and NRS 706.758. (MBM)
- 21. Citations 15941, 15942 and 15944** issued to Rapid Tow, LLC for violations of NAC 706.420(d), NAC 706.420(g), NAC 706.311 (2 counts), NRS 706.4477/LCB File No. R075-08.3, and NRS 706.4477. (GA)
- 22. Citation 16175** issued to Erick Morales for violations of NRS 706.386 and NRS 706.758. (GA)
- 23. Citation 16181** issued to AAA Moving Services/Shai Mizrahy for a violation of NRS 706.386. (GA)
- 24. Impound 1688** The impoundment pursuant to NRS 706.476 of a vehicle registered to Tisha Ortiz. (GA)
- 25. Impound 1588 and Citation 16052** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16052 issued to Kenneth Thomas for violations of NRS 706.386 and NRS 706.758. (GA)
- 26. Impound 1680 and Citation 16167** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16167 issued to Keith White for violations of NRS 706.386 and NRS 706.758. (GA)
- 27. Impound 1972 and Citation 16168** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16168 issued to Prentice Funches for violations of NRS 706.386 and NRS 706.758. (GA)
- 28. Citation 15829** issued to Baulying Negash Waryo for a violation of NAC 706.228(3) as amended by LCB File No. R127-07.
- 29. Citation 15834** issued to Sammy Desta for a violation of NAC 706.228(3).
- 30. Citation 15832** issued to Harry Lichter for a violation of NAC 706.228.
- 31. Citation 15835** issued to Ronald Rosenberry for a violation of NAC 706.228(3).
- 32. Citation 15836** issued to Raymundo Amezcua for a violation of NAC 706.228(3).
- 33. Citation 15840** issued to Richard Stanley Knobloch for a violation of NAC 706.228(3) as amended by LCB File No. R127-07.

34. Citations 15947 and 15948 issued to Ashley's Towing for violations of NRS 706.4477 as amended by LCB File No. R075-08(3) and NAC 706.420 (3 counts).

35. Citation 15967 issued to Girum Kassa for a violation of NAC 706.228.

36. Citation 15986 issued to Stephen Dimino for violations of NAC 706.228 as amended by LCB File No. R127-07 and NAC 706.247.

37. Citation 15987 issued to Senay Alemayehu for violations of NAC 706.329 and NAC 706.354.

38. Citation 15988 issued to Alfred Karapici for a violation of NAC 706.354.

39. Citation 15989 issued to Biniyam Fissehaye for a violation of NAC 706.354.

40. Citation 15992 issued to Fast Towing, Inc. for violations of NAC 706.311 (2 counts).

41. Citation 16183 issued to Elvin Stevenson/Divine Trans for violations of NRS 706.386 and NRS 706.758.

42. Citation 16156 issued to Pedro Flores for a violation of NAC 706 as amended by LCB File No. R127-07(1).

Mr. Flores appeared and withdrew his consent to the settlement agreement. By a vote of 3-0, the settlement agreement was rejected and the matter reset for hearing.

43. Citation 16172 issued to Jeffrey Blumer for a violation of NAC 706.228.

44. Citation 16187 issued to A & G Towing for a violation of NRS 706.4479.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TOW CAR SERVICE

45. Docket No. 12-06012 The Joint Application of Don C. Zinser for authority to transfer and of the Don C. Zinser Living Trust to acquire 50% of D & S Tow, Inc., a carrier authorized to provide tow car service by tow car vehicle within the State of Nevada under Certificate of Public Convenience and Necessity (hereinafter "CPCN") 7045, Sub 1. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application. Applications Manager Liz Babcock indicated Staff support and stated the carrier will be operating out of Sparks, Nevada. Approved 3-0.

46. Docket No. 12-09010 The Application of Mark A. Wolverton d/b/a California Colors Truck and Auto Body for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application. Applications Manager Liz Babcock indicated Staff support and stated the carrier will be operating out of South Lake Tahoe California. Approved 3-0.

47. Docket No. 12-11015 The Application of 1 Touch Towing, LLC for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM) *Chairman MacKay summarized the Application. Michael Russell was present on behalf of the Applicant. Approved 3-0.*

48. Docket No. 12-12023 The temporary discontinuance from February 1, 2013 through February 28, 2013 of services provided by Idrisa Tikolo Mansaray d/b/a Tic's Quick Towing under CPCN 7145. Staff investigation concluded. *Chairman MacKay summarized the matter. Approved 3-0*

49. Docket No. 13-01007 The temporary discontinuance from January 1, 2013 through July 1, 2013 of services provided by Joseph W. Arriola d/b/a American Fiberglass and Auto Body under CPCN 7175. Staff investigation concluded. *Chairman MacKay summarized the matter and noted the carrier is based in Sparks, Nevada. Commissioner Metz requested that the item be approved effective on the date of filing, January 10, 2013. Approved 3-0 effective January 10, 2013.*

VOLUNTARY CANCELLATIONS

Items 50, 51 and 52 were considered collectively. Chairman MacKay summarized the matters. Approved 3-0.

50. Docket No. 13-01003 The voluntary cancellation by Arailde Matos d/b/a A.M.A. Towing Services of CPCN 7259. Staff investigation concluded.

51. Docket No. 13-01004 The voluntary cancellation by Pamela E. Burns McDonald d/b/a Mighty Lift Towing of CPCN 7160. Staff investigation concluded.

52. Docket No. 13-01006 The voluntary cancellation by Joaquin Ortiz d/b/a Ortiz Towing Service of CPCN 7281. Staff investigation concluded.

MOTION FOR STAY

53. Citation 15622 Respondent C and J Development Enterprises requests that the Authority stay collection efforts for Citation 15622 during the pendency of its Petition for Judicial Review. (GA) *Christopher Benner, Esq., was present on behalf of the Respondent. Stay Approved 3-0.*

APPEAL FROM TAXICAB AUTHORITY DECISION

54. Docket No. 10-09015 The Appeal by Déjà vu Showgirls of Las Vegas, LLC and Little Darlings of Las Vegas, LLC from the Order of the Taxicab Authority dated September 2, 2010. *Chairman MacKay summarized the issue at hand. Neil Beller, Esquire was present on behalf of the Appellant and Marc Gordon, Esquire was present on behalf of Yellow Checker Star. By a vote of 3-0, matter remanded back to Taxicab Authority for further proceedings consistent with the Court's order.*

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PETITION FOR RECONSIDERATION

55. Docket No. 13-01009 Petition for Reconsideration of the Authority's January 10, 2013 Order in the matter of Citations 15969 and 15972 issued to Yohannes Abraha for violations of NAC 706 as amended by LCB File No. R127-07 and NAC 706.228. Respondent argues that his failure to appear should be excused and a new hearing set. (GA)

Yohanes Abraha appeared. Commissioner Assad recommended that finding should be set aside. Motion to grant reconsideration and reset matters for hearing on February 27, 2013 1:30p.m. approved 3-0.

FINANCIAL RATES AND TARIFFS

56. Docket No. 10-03014 The Application of Day and Night Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7125, Sub 1. Staff investigation concluded.

Mr. Charles Thompson was present on behalf of Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 3-0.

57. Docket No. 11-09029 The Application of A-1 Towing & Storage, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7110, Sub 1. Staff investigation concluded.

Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 3-0.

58. Docket No. 11-09030 The Application of A&G Towing & Storage, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7169, Sub 1. Staff investigation concluded.

Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 3-0.

59. Docket No. 12-12020 The Application of 24/7 Entertainment, LLC d/b/a 24/7 Entertainment Limousines for approval of a tariff rate modification for charter limousine services conducted under CPCN 1102. Staff investigation concluded.

Trailed to follow Item 65.

60. Docket No. 13-01002 The Application of Las Vegas VIP Limousines, LLC d/b/a VIP Limousines of Nevada for approval of a tariff rate modification for charter limousine services conducted under CPCN 1103, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Approved 3-0.

61. Docket No. 13-01019 The Application of Open Top Sightseeing Las Vegas, LLC for approval of a tariff rate modification for scenic tour and per-capita regular route services conducted under CPCN 2004, Sub 9. Staff investigation concluded.

Kimberly Maxson-Rushton, Esq., appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 3-0.

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APPLICATIONS FOR FULLY REGULATED CARRIERS

62. Docket No. 10-06012 The Application of Las Vegas Wedding Services, LLC for a CPCN to provide charter limousine service in the State of Nevada. Staff investigation concluded. (MBM) *Kimberly Maxson-Rushton, Esq., was present on behalf of the Intervener. Commissioner Metz summarized the Application and described updates to the proposed CPCN language. Ms. Maxon-Rushton reported that the revised language was consistent with the parties' agreement. Approved 3-0.*

63. Docket No. 11-06007 The Application of GMT CARE, LLC for an expansion of authority for operations conducted under CPCN 1115. Staff investigation concluded. (GA) *Attorney Ann Elworth-Winner was present on behalf of the Applicant. Commissioner Assad summarized the Application. Commissioner Metz described updates to the proposed CPCN language. Approved 3-0.*

64. Docket No. 11-09017 The Application of Martin Ross & Associates, LLC for final approval of contract carrier permit MV 6150 to provide prisoner transportation services pursuant to a contract with the State of Nevada or, in the alternative, the Applicant's request to extend the interim/temporary approval of their Application due to exigent circumstances. Staff investigation of Request concluded. (AJM) *Owner Joe Martin, was present in Reno on behalf of Applicant. Chairman MacKay summarized the Application and indicated Staff support. Gina Reynolds, Compliance Auditor, indicated the permit number should read MV 6151. Approved 3-0 with permit number modification.*

65. Docket No. 12-03020 The Joint Application of ATV Action Tours, Inc. to sell and transfer and of 24/7 Limousines, LTD to purchase and acquire the authority to provide charter limousine service conducted under CPCN 1039, Sub 1. Staff investigation concluded. (MBM) *Tony Clark of 24/7 Limousines, LTD was present on behalf of Applicant. Commissioner Metz summarized the Application and Applications Manager Liz Babcock indicated Staff support. Approved 3-0.*

Item 59. Docket No. 12-12020 – The Application of 24/7 Entertainment, LLC d/b/a 24/7 Entertainment Limousines for approval of a tariff rate modification for charter limousine services conducted under CPCN 1102. Staff investigation concluded. *Financial Analyst Yvonne Shelton summarized the Application and expressed support with the exception of six and eight hour minimums for certain events. Managing Member Tony Clark was present on behalf of the Applicant and explained the rationale for the six and eight hour minimums. Commissioners Assad and Metz noted that market conditions would determine the reasonableness of the six and eight hour minimums and expressed support for the Application as filed. Chairman MacKay explained clarifications he sought regarding weekend time parameters listed in the tariff. Mr. Clark noted that LVCVA convention attendee estimates are not always available as far in advance as clients wish to make reservations. The Authority agreed to allow the carrier to use attendance numbers from the prior year when LVCVA attendee estimates are not yet available. Approved 3-0 with modifications as discussed.*

66. Docket No. 12-04004 The Joint Application of Nick Filippides and Mary Georgedakis to sell and transfer and of Vauna Peterson to purchase and acquire 50% of the stock of All My Sons Moving and Storage of Las Vegas, Inc., a carrier authorized to provide the transportation of household goods under CPCN 3256. Staff investigation concluded (AJM). *Chairman MacKay summarized the Application and indicated Staff support. Approved 3-0.*

- 67. Docket No. 13-01029** The temporary discontinuance from January 29, 2013 through July 29, 2013 of services provided by Pahrump Valley Taxi, Inc. d/b/a Pahrump Valley Taxi under CPCN 1024, Sub 1. Staff investigation concluded.

Considered with Item 68.

- 68. Docket No. 13-01030** The temporary discontinuance from January 29, 2013 through July 29, 2013 of services provided by Knight Limo Services, Inc. d/b/a Classy Lady Limo under CPCN 1060, Sub 1. Staff investigation concluded.

Items 67 and 68 were considered jointly. Chairman MacKay summarized the matters. Owner Jit Mann was present on behalf of the carrier. A discussion ensued regarding the carriers' current status and the pending citations resulting from a recent operational inspection. Staff reported that the carriers are currently subject to cease and desist orders from the Authority. By a vote of 3-0, the Authority denied both temporary discontinuance requests as cease and desist order are in place and, as to the taxicab business, the carrier is the only taxicab carrier operating in the Pahrump area.

PETITION FOR TEMPORARY TRANSFER OF AUTHORITY

- 69. Docket No. 11-02005** The Joint Petition pursuant to NAC 706.359 of Roy L. Street d/b/a Capitol Cab Company and Phyllis Clemmer d/b/a Fernley Taxi made requesting an extension of the temporary transfer of CPCN 1030, Sub 1 to Capitol Cab pending approval of the permanent sale and transfer. Staff investigation concluded.

Keith Ganey, Esq., appeared on behalf of Capital Cab. Chairman MacKay summarized the Petition. Applications Manager Liz Babcock detailed the docket activity. Extension of Temporary Transfer of Authority for an additional 6 months approved 3-0 with carriers to work diligently toward final approval of a sale and transfer.

PETITION FOR INTERIM OR TEMPORARY AUTHORITY

- 70. Docket Number 13-01023** Applicant AWG Ambassador, LLC seeks interim/temporary approval of the modifications to CPCN's 1041 and 1068 sought in dockets 12-12022A and 12-12022B. The request is filed pursuant to NAC 706.1305 and NRS 706.391(6). (AJM)

Brent Carson, Esq., was present on behalf of the Applicant. Chairman MacKay summarized the Petition. Mr. Carson summarized the request and reported that the Applicant intends to withdraw the Application in docket 12-12022B. Mr. Carson noted that the Application in docket 12-12022A was met with no Petitions for Leave to Intervene.

Item postponed until next subsequent general session as noticing did not indicate "For Possible Action."

71. Public Comment

Alan Waxler of AWG Ambassador requested the Authority look into Enforcement Investigators working at night. Chairman MacKay explained current funding does not permit shift differential pay. James Kent, Esq., agreed with Mr. Waxler that additional enforcement during the overnight hours is necessary.

David Walker of Walker Towing asked the Authority look into the different types of storage at the operator's option.

72. Adjournment

Meeting adjourned at 12:35p.m.